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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
Application No.: 09/654,444

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Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

In re Application of:)	
)	
Stephen Paul BRENNAN et al.)	
)	
Serial No.: 09/654,444)	Group Art Unit: 2642
)	
Filed: September 1, 2000)	Examiner: H. A. Agdeppa
)	
For: METHOD AND APPARATUS FOR)	
DETERMINING THE CARRIER USED)	
FOR AN AIN CALL)	

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE AFTER FINAL

In reply to the Final Office Action of July 30, 2002, and pursuant to 37 C.F.R.
§ 1.116, Applicants request that the Examiner consider the following remarks.

In the final Office Action of July 30, 2002, the Examiner maintained the previous
rejection of the claims based on U.S. Patent No. 6,205,214 to Culli et al. ("Culli"). In

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particular, the Examiner rejected claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over Culli.

Applicants respectfully disagree with the rejection of claims 1-24 based on Culli. Accordingly, Applicants respectfully request reconsideration of the outstanding rejections and allowance of the application.

Culli is directed to a system for selectively routing traffic in a telecommunications network according to a local service provider's preferences. As pointed out in the previous response, Culli is directed to non-LEC (local exchange carrier) usage. That is, Culli discloses supporting local call routing for unbundled network elements [i.e., Local Service Providers (LSPs) and/or Competitive Local Exchange Carriers (CLECs)].

As was additionally pointed out in the previous response, regarding independent claim 1, Culli does not disclose the steps recited in this claim. Specifically, claim 1, for example, recites the following steps in the order given:

determining whether a called party is inside a local calling scope of a calling party;

...
responsive to a determination that said called party is outside said local calling scope of said calling party, selecting a second carrier as said carrier type if an originating LATA of said calling party and a terminating LATA of said called party are the same and selecting a third carrier as said carrier type if said originating LATA and said terminating LATA are different.

Culli, in contrast to claim 1, discloses "first comparing an originating local access and transport area (LATA) with a destination LATA, and if the LATAs are identical, the filter checks whether the destination NPANXX is within the local

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calling scope of the originator." (Culli, col. 2, lines 45-48, emphasis added).

Thus, Culli's disclosure is opposite that of the invention recited in claim 1.

In the final Office Action, the Examiner states that "inasmuch as the end results of the above steps is the same . . . it would be very obvious for one skilled in the art at the time the invention was made to have reversed the specific sequence of steps discussed above in the invention of Culli et al." (final Office Action, page 4). Applicants respectfully disagree with this statement. Applicants submit that reversing the order of the steps may produce different end results. Culli only checks whether the destination NPANXX is within the local calling scope of the originator when the LATAs are identical. Thus, Culli discloses checking the local calling scope conditioned upon the LATAs being identical. The initial determining step in Applicants claim 1, in contrast, is performed regardless of whether the LATAs are identical.

The Examiner further points to column 19, lines 5-20, of Culli as allegedly teaching "the comparing of NPANXX numbers before comparing LATAs, in which case, Culli et al. reads directly on the instant invention." (Office Action, page 4). Applicants respectfully disagree with the Examiner's interpretation of this section of Culli. This section of Culli discloses:

FIG. 8 shows the call flow of a 0+ call to a local destination with LSP facilities for handling operator calls. The same calling number as shown in FIG. 7 calls 0+314-521-1365. The SSP 34 collects information similar to the information collected in FIG. 7, and forwards the information to the ISCP 30 which determines that the call is an intra-LATA call due to the

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identical NPAs. The ISCP 30 then sends the dialing plan number of the calling party, the calling party ID, and NPANXX of the called party to the LDB 54 which determines whether or not the call is local. In the example shown in FIG. 8, the call is determined to be local causing the ISCP 30 to forward a routing index to the SSP 34 along with the billing information. The SSP 34 then routes the call to the LSP operator system 56 via a MOSS connection establishing the final talk path from the calling party to the LSP operator system 56. The LSP operator then handles the operator call.

(Culli, col. 19, lines 5-20, emphasis added). It appears to Applicants that this section of Culli discloses essentially what is disclosed by Culli at column 2, lines 45-48 (discussed above). Specifically, this section of Culli discloses determining whether a call is an intra-LATA call and then determining whether the call is local. This is in contrast to claim 1, which recites first determining whether a called party is inside a local calling scope of a calling party, and then comparing the originating and terminating LATAs.

For at least these reasons, Applicants submit that Culli does not disclose or suggest the features recited in claim 1. If anything, Culli actually discloses the opposite procedure, thus teaching away from the invention recited in claim 1. Accordingly, the rejection of claim 1 should be withdrawn.

Claim 2 further defines the method of claim 1, and recites that determining whether a called party is inside the local calling scope of the calling party comprises:

determining an originating rate center and a terminating rate center by performing a lookup in a LATA table using a calling party number and a called party number; and

searching for said terminating rate center in an originating rate center table.

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Applicants submit that Culli completely fails to disclose or suggest this aspect of the invention. Culli, in fact, does not even disclose determining an originating rate center or a terminating rate center, much less determining the rate centers as recited in claim 2 and then searching for the terminating rate center in an originating rate center table, as is also recited in claim 2. Thus, Applicants submit that Culli does not disclose or suggest these features recited in claim 2. Accordingly, for this reason, as well as the fact that claim 2 is dependent on claim 1, Applicants submit that the rejection of claim 2 should be withdrawn.

Claims 3-6 depend, either directly or indirectly, from claim 2, and thus, at least by virtue of their dependency from claim 2, the rejection of these claims should be withdrawn. Similarly, claims 7-10 depend from claim 1, and thus the rejection of these claims should also be withdrawn at least by virtue of their dependency from claim 1.

Independent claim 11 is directed to a method for determining a carrier type for routing a call. The method comprises a number of steps in the order given. In particular, these steps include:

comparing an originating NPA-NXX to a terminating NPA-NXX; responsive to a determination that said originating NPA-NXX and said terminating NPA-NXX are the same, selecting a local exchange carrier as said carrier type;
responsive to a determination that said originating NPA-NXX and said terminating NPA-NXX are different, determining an originating rate center for a calling party and a terminating rate center for a called party;

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responsive to a determination that said terminating rate center and said originating rate center are the same, selecting a local exchange carrier as said carrier type;

responsive to a determination that said terminating rate center and said originating rate center are different, searching an originating rate center table for said terminating rate center;

responsive to finding said terminating rate center in said originating rate center table, determining whether said terminating rate center requires an extended dial plan to make a local call from said originating rate center to said terminating rate center;

responsive to a determination that said extended dial plan is required, selecting said local exchange carrier as said carrier type if either said calling party or said called party subscribe to said dial plan, and if neither said calling party nor said called party subscribe to said dial plan, selecting an IntraLATA carrier as said carrier type if an originating LATA is the same as a terminating LATA and selecting an InterLATA carrier if said originating LATA is different from said terminating LATA;

responsive to a determination that said extended dial plan is not required, selecting a local exchange carrier as said carrier type; and

responsive to not finding said terminating rate center in said originating rate center table, selecting said IntraLATA carrier as said carrier type if said originating LATA is the same as said terminating LATA and selecting said InterLATA carrier as said carrier type if said originating LATA is different from said terminating LATA.

Applicants submit that Culli fails to disclose or suggest each of these steps. Culli, for instance, does not mention the use of an extended dial plan, much less the above-listed steps in claim 11 that are responsive to a determination that an extended dial plan is required.

The Examiner did not explicitly address the features of claim 11 in the Office Action. If the Examiner continues to maintain the rejection of claim 11, Applicants request that the Examiner particularly note which portions of Culli allegedly disclose each of the features of claim 11 or withdraw the rejection.

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Independent claim 12 is directed to a data processing system for selecting a carrier type for routing a call. The system includes features similar to those described above with reference to claim 1. Thus, based on similar rationale, Applicants submit that the rejection of independent claim 12 should also be withdrawn. Claims 13-21 depend, either directly or indirectly, on claim 12. At least by virtue of their dependency on claim 12, either directly or indirectly, the rejection of claims 13-21 should also be withdrawn.

Claims 22-24 recite computer program products that define features similar to claims 1, 2, and 11, respectively. Accordingly, based on similar rationale as that given above with reference to claim 2 and 11, Applicants submit that the rejection of these claims should also be withdrawn.

Applicants respectfully request that this Response under 37 C.F.R. § 1.116 be considered by the Examiner, and that the rejection of claims 1-24 be withdrawn. Applicants submit that the final action presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the consideration of this Response by the Examiner would allow the Applicants to fully respond to the final rejections.

In view of the foregoing remarks, Applicants submit that the claimed invention, is not rendered obvious in view of the prior art cited against this application. Applicants therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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If the Examiner believes that a telephone conversation may serve to advance the prosecution of this case, he is invited to telephone the undersigned at the telephone number provided below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2339 and please credit any excess fees to such deposit account.

Respectfully submitted,


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Date: 9/25/2002

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